

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PAULA VOELLGER,	:	Case No. 1:17-cv-437
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Karen L. Litkovitz
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 13)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on June 22, 2018 submitted a Report and Recommendation. (Doc. 13). Plaintiff filed objections (“Objections”). (Doc. 15).¹

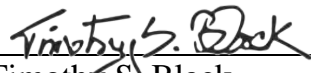
¹ The Objections restate arguments made to the Magistrate Judge and are not well-taken. The Objections argue that Plaintiff’s diabetes, neck impairment, and fibromyalgia are severe impairments. The Court agrees with the Magistrate Judge that Plaintiff has not shown that the ALJ erred by failing to find that these conditions were severe impairments, and further, that Plaintiff did not show that the alleged error was harmful. (Doc. 13 at 11-18). The Objections argue that the ALJ erred by not giving Plaintiff’s treating physician’s testimony the most weight, but the Court agrees with the Magistrate Judge that the record supports the weight the ALJ assigned to the physicians’ opinions in this case. (Doc. 13 at 18-31). The Objections argue that the ALJ did not properly include psychological impairments in formulating the RFC; this argument is not well-taken for the reasons explained on pages 32-36 of the Report and Recommendation. Finally, the Objections argue that that Plaintiff’s RFC does not account for her subjective complaints; the Court agrees with the Magistrate Judge that Plaintiff has not shown that the ALJ erred in evaluating her subjective complaints. (Doc. 13 at 37-42). Accordingly, the Objections are **OVERRULED**.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 13) is **ADOPTED**;
2. Plaintiff's Objections (Doc. 15) are **OVERRULED**;
3. The Commissioner's decision is **AFFIRMED**; and
4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 9/25/18



Timothy S. Black
United States District Judge